



PATENT CASE: 0948Q

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: **SHIH et al.**

For Patent For: **IMPROVED GROWTH  
STIMULANT COMPOSITIONS**

Serial No.: 09/431,519

Filed: November 1, 1999

Group Art Unit: 1616

Examiner: N. Levy

Date: February 14, 2003

Schering-Plough Corporation  
Kenilworth, New Jersey 07033-0530

Box AF  
Assistant Commissioner of Patents  
Washington, D.C. 20231

**AMENDMENT UNDER 37 CFR 1.116**

Sir:

This amendment is being filed concurrently with an Appeal Brief in response to the Final Office Action mailed October 23, 2002. No new matter has been added.

Claims 1-42 are pending in the application. Claims 21-42 are withdrawn from consideration. Claims 1-20 are rejected.

This amendment is being filed in compliance with 37 CFR 1.116, and therefore, entry of this amendment is respectfully requested.

**IN THE CLAIMS**

Please amend the claims as follows:

Please amend claim 1, to read as follows:

Claim 1 (thrice amended): An anabolic implant dual formulation composition comprising: (i) an immediate-release first formulation consisting essentially of an anabolic agent, and (ii) a controlled-release second formulation comprising an anabolic agent and a controlled-release agent, wherein said immediate-release formulation and said controlled-release formulation cooperate to effect stimulation,

C' Carter  
9/6/03